

### **REMARKS**

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-22 are pending. Claims 1, 7, 11, and 17 are amended, and claims 21 and 22 are added. Claims 1 and 11 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

### **Examiner Interview**

If, during further examination of the present application, a discussion with Applicants' Representative would advance the prosecution of the present application, the Examiner is encouraged to contact Carl T. Thomsen at 1-703-208-4030 (direct line) at his convenience.

### **Drawings**

It is gratefully appreciated that the Examiner has accepted the drawings.

### **Rejections Under 35 U.S.C. § 103(a)**

Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Day (U.S. Patent 7,185,052) in view of Freedman (U.S. Patent 7,007,089).

This rejection is respectfully traversed.

### **Amendments to Independent Claims 1 and 11**

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the present application, each of independent claims 1 and 11 has been amended herein to recite a combination of features directed to a system (method) for delivering an integrated web hosting and content distribution service which affords a

predetermined operational performance level to an individual client, including *inter alia*

“the redirection means, the monitoring means, and the at least one content distribution network are under operational control of a primary service provider of the individual client”.

Support for the novel features above can be found, for example, in paragraph [0022] of the original application.

On page 6 of the Office Action, in the rejection of claim 6, the Examiner asserts that Day column 2, lines 30-36, column 3, lines 18-22, and column 5, lines 39-67 discloses at least one CDN under the operational control of the primary service provider and others of the CDNs not under control of the primary service provider. After a careful review of Day, Applicants can find no teaching that a primary service provider has operational control of redirection means, the monitoring means, and the at least one content distribution network, as set forth in claims 1 and 11, as amended herein.

As for Freedman, this document fails to disclose anything about operational control of redirection means, the monitoring means, and the at least one content distribution network, as set forth in claims 1 and 11, as amended herein.

At least for the reasons explained above, Applicants respectfully submit that the combination of elements as set forth in each of independent claims 1 and 11 is not disclosed or made obvious by the prior art of record, including Day and Freedman

Therefore, independent claims 1 and 11 are in condition for allowance.

**Dependent Claims**

The Examiner will note that dependent claims 7 and 17 have been amended, and dependent claims 21 and 22 have been added.

All dependent claims are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel features set forth therein.

For example, added dependent claims 21 and 22 recite

“wherein the predetermined operational performance level is agreed to between the primary service provider and the individual client”.

Support for the novel features of claims 21 and 22 can be seen, for example, in paragraphs [0031] and [0051].

As can be seen in Day column 3, lines 18-22, this document merely discloses “scheduling is based on the load availability of each server and their relative proximity, or latency, to the clients (users). In addition, the Abstract of Day merely discloses “selecting the proper CDN address based on a predefined capacity reservation of CDN’s and statistically mapped preferences for certain clients”. However, mapping preferences for clients is NOT that same as affording a predetermined operational performance level that is agreed to between the primary service provider and an individual client.

In addition, the Freedman Abstract merely discloses “... determine whether a given quality of service is being obtained by routing requesting clients to the CDN region”. However, as with Day, the Freedman document also provides no suggestion of affording a

predetermined operational performance level that is agreed to between the primary service provider and an individual client. Freedman fails to disclose who (the client, the network operator, or some other party) sets a given quality of service.

Therefore, nowhere does the combination of Day and Freedman provide any hint or suggestion in “the predetermined operational performance level is agreed to between the primary service provider and the individual client”, as set forth in claims 21 and 22 of the present invention.

All pending claims are now in condition for allowance.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) are respectfully requested.

**CONCLUSION**

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

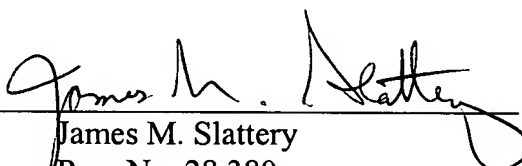
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 208-4030(direct line).

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

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Respectfully submitted,  
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